

REMARKS

Claims 1-34 are pending. Claims 1-34 are rejected. Claims 1, 20, 26, 27, and 31 have been amended. No new matter has been added.

35 U.S.C. 102(b) Rejections

Claims 1, 7-8, and 31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Command Antivirus Technical Support web page.

The Examiner is respectfully directed to independent Claim 1, which, as amended, recites that an embodiment of the present invention is directed to:

An automated software distribution method comprising:
 receiving a request to access a software distribution system;
 determining if the requester is a registered user;
 determining if said registered user is authorized to perform a software development scaleable distribution framework activity, said determining comprising examining a transaction right associated with said registered user;
 if said requester is authorized to perform said software development scaleable distribution framework activity, performing an internal process associated with a software project under development;
 determining if said registered user is authorized to perform a commercial scaleable distribution framework activity, said determining comprising examining a transaction right associated with said registered user; and
 if said requester is authorized to perform said commercial scaleable distribution framework activity, performing a scaleable software distribution system commerce transaction.

Claim 31 recites similar limitations. Claims 7-8 are dependent on Claim 1, and recite further features of the claimed embodiments. Claims 32-33 are dependent on Claim 31, and recite further features of the claimed embodiments.

As amended, Claim 1 recites the positive limitation of determining if the registered user is authorized to perform a software development scalable distribution framework activity. The rejection notes that the Command reference does not provide functionality for performing a software development scalable distribution framework activity (page 3). Accordingly, Applicant respectfully suggests that this rejection is moot, and request that it be withdrawn.

35 U.S.C. 102(e) Rejections

Claims 1-18 and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al., U.S. Patent No. 5,892,900.

The Examiner is respectfully directed to independent Claim 1, reproduced above. Independent Claim 31 recites similar limitations. Claims 2-18 and 32-34 are dependent upon independent Claims 1 and 31, respectively, and recite further features of the claimed embodiments.

The present rejection suggests that Ginter discloses every element of Claim 1. Applicant respectfully disagrees, and asserts that Ginter fails to teach or describe determining if said registered user is authorized to perform a software development scaleable distribution framework activity, said determining comprising examining a transaction right associated with said registered user, as claimed. Ginter also fails to teach or describe determining if said registered user is authorized to perform a

commercial scaleable distribution framework activity, said determining comprising examining a transaction right associated with said registered user, as claimed.

As understood by Applicant, and as explained in the present rejection, Ginter uses object "rules and control" to restrict access to various objects. As described in Ginter, any limitation upon access to a given object is inherent *to the object itself*. (See, e.g., Ginter, columns 56-59, "Rules and Controls".) The "objects" described in Ginter, as well as the "containers" that they can be packed in, are accessible subject to the rules and controls associated with the content. While Applicant acknowledges that these "rules and controls" are described as limiting access of certain users to certain content, Applicant asserts that this behavior differs from that of the embodiments recited in Claims 1 and 31.

Specifically, the embodiments recited describe allowing a registered user to perform an activity, based upon examining *the user's* transaction rights. As recited in the claims, it is not a limitation associated with the content to be accessed, but rather a right associated with the user which allows or denies access to certain activities.

Therefore, Applicant respectfully contends that Ginter fails to anticipate the embodiments of the invention recited in Claims 1 and 31, and that Claims 1 and 31 therefore overcome the basis for rejection under 35 U.S.C. 102(e), and are in condition for allowance. Accordingly, Claims 2-18, dependent upon independent Claim 1, and 32-34, dependent upon independent Claim 31, also overcome the basis for rejection, as being dependent upon allowable base claims.

35 U.S.C. 103(a) Rejections

Claim 19 is rejected as being obvious over Ginter, in view of the prior art.

The Examiner is respectfully directed to Claim 1, reproduced above. Claim 19 is dependent upon independent Claim 1, and recites further features of the claimed embodiments.

As recited above, applicant contends that Ginter fails to anticipate the embodiments of the invention recited in Claim 1. The Examiner's Official Notice of the prior art does not remedy this defect in Ginter. Accordingly, Applicants respectfully contends that Claim 19 overcomes the basis for rejection under 35 U.S.C. 103(a), and is in condition for allowance.

Claims 20-30 are rejected under 35 U.S.C. 103(a) as being obvious over Ginter, in view of Srivastava et al., U.S. Patent No. 6,845,499.

The Examiner is respectfully directed to independent Claim 20, which, as amended, recites that an embodiment of the present invention is directed to:

An automated software distribution system comprising:

a means for determining if a user is entitled to perform a software development activity, wherein said software development activity is accessible through said automated software distribution system, said determining comprising examining a transaction right associated with said user;

a means for determining if said user is entitled to perform a commercial activity, wherein said commercial activity is accessible

through said automated software distribution system, said determining comprising examining a transaction right associated with said user;
a means for communicating information associated with an automated software distribution method;
a means for processing said information associated with said automated software distribution method; and
a means for storing and tracking said information associated with said automated software distribution method, wherein said automated software distribution method utilizes a scaleable software distribution framework and object model in which objects are linked together by unique object identifiers.

Claim 26 recite similar limitations. Claims 21-25 are dependent upon Claim 20, and recite further features of the claimed invention. Claims 27-30 are dependent upon Claim 26, and recite further features of the claimed invention.

The rejection suggests that a combination of the teachings of Ginter and Srivastava described every element of the claimed embodiments recited in Claim 20. Applicants respectfully disagrees, and asserts that the combination suggested by the rejection fails to describe an automated software distribution method that includes a means for determining if a user is entitled to perform a software development activity, wherein said software development activity is accessible through said automated software distribution system, said determining comprising examining a transaction right associated with said user, as claimed. Further, the combination fails to describe a means for determining if said user is entitled to perform a commercial activity, wherein said commercial activity is accessible through said automated software distribution system, said determining comprising examining a transaction right associated with said user, as claimed.

As explained above, with reference to Claim 1, Applicant asserts that Ginter fails to teach or describe determining if a user it is entitled to perform activity, where determining involves examining a transaction right associated with the user, as claimed. Srivastava fails to remedy this defect in Ginter, as Srivastava also does not teach or describe determining if a user it is entitled to perform activity, where determining involves examining a transaction right associated with the user, as claimed.

Accordingly Applicant contends that Ginter, alone or in combination with Srivastava, fails to anticipate or render obvious the embodiments of the present invention recited in Claim 20 (Claim 26 recites similar limitations). As such, Applicant respectfully asserts that Claims 20 and 26 overcome the basis for rejection under 35 USC 103(a), and are in condition for allowance. Therefore, Claims 21-25, dependent upon Claim 20, and Claims 27-30, dependent upon Claim 26, overcome the basis for rejection, as being dependent upon allowable base claims.

Conclusion

In light of the above-listed amendments and remarks, Applicants respectfully request allowance of the remaining Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 7/6, 2006



Kevin A. Brown
Reg. No. 56,303
Two North Market Street
Third Floor
San Jose, California 95113
(408) 938-9060